

ROGERS & SCOTT
214 Randall Street
Oakville, Ontario
Canada L6J 1P7
905-842-6690

BOX NO.: Missing Parts

PATENTS

Applicant: Geoffrey S. Martin

Serial No.: 08/481169

Filed: June 7, 1995

Title: Multiple Lumen Catheter

Our Ref: 3200-3074-C-US

Date: November 29, 1995

DECLARATION UNDER
37 CFR 1.47(a)

The Commissioner of Patents
and Trademarks
Washington, D.C. 20231
U.S.A.

Dear Sir:

I, Christopher R. Scott, of 133 Shanley Terrace, Oakville, Ontario, Canada,
do hereby declare as follows.

1. I am a Registered Canadian Patent Agent and I am also registered to prosecute patent applications in the United States Patent Office. My registration number is 26,058.

2. I was the Attorney of Record in United States Patent Application Serial No. 07/288364 filed on December 22, 1988 and now U.S. Patent Serial No. 5,195,962.

3. Application No. 07/288364 named joint inventors, namely Geoffrey S. Martin and Michael R. LeBlanc. At the time the invention was made Mr. Martin was a principal of Vas-Cath Incorporated and Mr. LeBlanc was an employee. By the time the application was prepared, Mr. LeBlanc had left the employment with Vas-Cath

Incorporated.

4. There was some difficulty in obtaining Mr. LeBlanc's signature on the aforementioned application due to a disagreement between him and Vas-Cath Incorporated. At no time was the inventorship stated in the application questioned. A record of the difficulties was made in the papers of Application No. 07/288364.

5. Mr. LeBlanc subsequently agreed to add his signature to the Combined Declaration and Power of Attorney and I attended at his home to complete the precess and he added his signature.

6. Since Application Serial No. 07/288364 was filed, three continuation applications have been prepared and filed by me and based entirely on Application Serial No. 07/288364. These continuation applications were prepared and filed as follows:

37 CFR 1.60	07/699,421	May 13, 1991	US Pat. 5,135,599
37 CFR 1.60	07/785,351	Oct. 30, 1991	Abandoned
37 CFR 1.62	08/205,331	Mar. 3, 1994	US Pat. 5,472,417

7. At the time Mr. LeBlanc signed the aforementioned Combined Declaration and Power of Attorney in Application Serial No. 07/288364 he also executed an assignment of the invention for the United States. This assignment was recorded on Reel 5311, Frames 979 through 982.

8. The present Application Serial No. 08/481169 was prepared for filing at about the time that changes to U.S. practice came into effect on or about June 8, 1995.

At that time associates of mine in the United States advised me in a newsletter that they would prefer to have inventors sign any continuation application as opposed to using Rules 37 CFR 1.60 or 37 CFR 1.62. Since the changes in practice affected many of my files, I decided to take that advice since it avoided risk.

9. An application was forwarded to the U.S. Patent Office dated June 7, 1995. At that time I did not have time to locate Mr. LeBlanc. However, I had been advised previously that Mr. LeBlanc had overcome his previous difficulties with Vas-Cath Incorporated and had in fact recently applied unsuccessfully for employment with Vas-Cath Incorporated.

10. There was every indication that Mr. LeBlanc would not refuse to sign the Combined Declaration and Power of Attorney.

11. After the application was filed, I instructed my secretary to contact Mr. LeBlanc so that the application, complete with Combined Declaration and Power of Attorney could be presented for signature. After some discussion, it was agreed that the application would be send to Mr. LeBlanc by mail and this was done with an accompanying letter dated October 20, 1995. A copy is attached as Schedule "A" to this my Declaration.

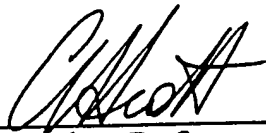
12. Attempts were made to remind Mr. LeBlanc by telephone and during one of these 'phone calls he advised my secretary that he had given the application to his

lawyer for advice.

13. On or about November 15th, I telephoned Mr. LeBlanc and discussed the matter with him. He advised me to the effect that Vas-Cath Incorporated had not been cooperative with him and it was now his turn to be awkward. I have no idea what this means, but the result was that he indicated to me categorically that he would not sign simply because he chose not to.

14. I am satisfied that the application was properly presented to Mr. LeBlanc for signature and I request that this application proceed in accordance with the provisions of Rule 1.47(a).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.



Christopher R. Scott

Date: November 30, 1995